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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,780	09/19/2003	Kilian Stoffel	TALP:104US	6850
7590	11/21/2006		EXAMINER	
Simpson & Simpson, PLLC 5555 Main Street Williamsville, NY 14221-5406			LU, CHARLES EDWARD	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,780	STOFFEL ET AL.	
	<b>Examiner</b> Charles E. Lu	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 September 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-6 and 8-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 and 8-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 September 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/23/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claims 1-14 have been submitted for examination. Claims 1-6 and 8-13 were elected without traverse in response to a restriction requirement dated 4/6/2006. Claims 7 and 14 are withdrawn from consideration. Claims 1-6 and 8-13 are pending. Claims 1-6 and 8-13 are rejected. Applicant is reminded to cancel non-elected claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**2. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to claim 1, the claimed method appears to be drawn to an abstract idea, which is non-statutory. For example, "building a mapping" and "repurposing" are considered to be abstract ideas. The claim should produce a useful, concrete, and tangible result.

Claims 2-6 and 8-13 are rejected for similar reasons as claim 1.

Furthermore, as to claim 8, the claimed apparatus appears to be drawn to software per se, which is non-statutory (see figs 1-20 of specification). The apparatus should contain a piece of hardware, or be stored on a computer readable storage medium.

Claims 9-13 are additionally rejected for similar reasons as claim 8 above.

The art rejection of the claims is applied in anticipation of Applicant amending the claims to overcome the rejection under 35 U.S.C. 101, discussed above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Vedula et al (U.S. Patent 6,823,495).**

As to claim 1, Vedula teaches all of the claimed subject matter including:

Creating an ontology mapping protocol (see fig. 1, a protocol must be implemented for creating the mapping as shown).

Building a mapping tool based upon said ontology mapping protocol (again in fig. 1, the mapping tool has to be based on the mapping protocol in order to successfully perform mappings).

Mapping said ontology (e.g., "Source Object", col. 9, ll. 1-10) onto a common platform (e.g., a screen that commonly shows both source and target objects and their mappings, col. 9, ll. 1-10) and common language (e.g., XML, col. 9, ll. 25-55) using said mapping tool and ontology mapping protocol (see fig. 1).

Repurposing said ontology (for use in “target object”, col. 9, ll. 1-10) based upon said mapping (see fig. 1).

**Claims 2-4** are rejected because the limitations have been addressed above with respect to claim 1.

**As to claim 5**, Vedula teaches, “mapping...common language” as stated above. Also see fig. 1.

Vedula further teaches, “repurposing...thereby creating...maps back to said first ontology (see fig. 1, note that the target object, which is a second ontology, maps back to the source object, which is the first ontology).

**As to claim 6**, “mapping...common language” is met as discussed above. Vedula further teaches, “repurposing said first ontology...maps back to said first ontology” because a source object is mapped to a target object as discussed above. Note that “known repurposing limitations” as disclosed by Vedula are used.

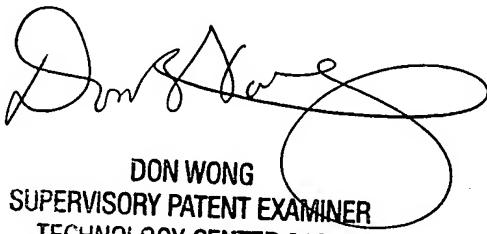
**Claims 8-13** contain substantially the same limitations as claims 1-6 above and are rejected based upon similar reasoning as claim 1-6 discussed above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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